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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,214	06/29/2001	Christopher L. Hess	42390.P11653	9312

8791 7590 02/16/2005

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EXAMINER

CASIANO, ANGEL L

ART UNIT PAPER NUMBER

2182

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/896,214	Applicant(s) HESS ET AL.	
	Examiner Angel L Casiano	Art Unit 2182	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20010727</u> .                                                            | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

The present Office action is in response to application dated 29 June 2001.

Claims 1-30 are pending. All claims have been examined.

#### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 27 July 2001 was filed after the mailing date of the application on 29 June 2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Drawings***

2. The drawings are objected to because:

- Figure 1, "104"; all black boxes need to be labeled.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for

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patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8, 10-14, 16-28, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Astala et al. [US 2002/0002635 A1].

Regarding claim 1, Astala et al. teaches a method for accessing the Internet (see Abstract). The prior art method includes phase control configuration data for a Web site (Page 2, [0011]-[0020]). In the prior art, the Web site includes a plurality of sections (see Page 2, [0014]; Figure 6; Page 7, [0067]) and dispatching a section of said plurality of sections utilizing said phase control configuration data (Page 7, [0066]).

As for claim 2, the method disclosed by Astala et al. includes the step of modifying said Website (Page 7, [0067]) in response to an alteration of said phase control configuration data.

As for claim 3, phase control configuration data in Astala et al. specifies an order (see “controller configured to obtain image based on previously displayed web page”, Page 7, [0066] emphasis added) of said plurality of sections and dispatches a section of said plurality of sections utilizing said phase control configuration data (see Page 6, [0066-0067]). The reference further teaches selecting said section of said plurality of sections utilizing (*based on*) said order. A Web page is displayed via a Web browser client application across a communications network (see Figure 1) in response to selecting said section of said plurality of sections (see Page 2, [0011] and Abstract, “browser reaccess the first internet web page).

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As for claim 4, Astala et al. teaches a Web site, which includes a plurality of, phases and selecting the section utilizing said order (see Page 7, [0066]) comprises selecting a phase utilizing said phase control configuration data.

As for claim 5, Astala et al. teaches displaying a Web page via a Web browser client application across a communications network comprises displaying a Web page including *dynamic* (see Page 2, [0019-0020]) content via a Web browser client application.

As for claim 6, Astala et al. teaches input of data which is collected by the control application (Page 7, 0071]).

As for claim 7, Astala et al. teaches *collecting* said input data utilizing a control application including *receiving* said input data via said Web page (see “user selects active window such as Fig 6., 604”) and *collecting* said input data utilizing in response to receiving said input data via said Web page.

As for claim 8, the reference teaches processing the input data using the control application (see Page 7, [0071-0072]).

Regarding claim 10, Astala et al. teaches a method for a network as disclosed in claim 1. Therefore, the reference also teaches the *machine-readable medium*, which when executed by a machine perform the steps of the method. Therefore, the present claim is rejected under the same basis.

As for claims 11-14, these are directed to the machine-readable medium providing the instructions for executing the steps of the method, rejected in previous claims. The present claims are also rejected under the same basis.

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Regarding claim 16, Astala et al. teaches a method (see Abstract, “method and device”) as disclosed in claim 1. Therefore, the reference also teaches the *apparatus*, having the memory and dispatcher for performing the steps of the method. Therefore, the present claim is rejected under the same basis.

As for claims 17-21, these are directed to the apparatus providing the devices for executing the steps of the method, rejected in previous claims. The present claims are also rejected under the same basis.

Regarding claim 22, Astala et al. teaches a method and device for a network (see Abstract) as disclosed in claim 1. Therefore, the reference also teaches the *computer system* (Figure 1), having the processor, *network* interface, and memory having a plurality of instructions to perform the steps of the method. Therefore, the present claim is rejected under the same basis.

As for claims 23-28, these are directed to the computer system providing the devices and interface for executing the steps of the method, rejected in previous claims. The present claims are also rejected under the same basis.

As for claim 30, Astala et al. teaches a network attached storage device (see Figure 1, “28”; Page 3, [0040]).

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9, 15, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Astala et al. [US 2002/0002635 A1] in view of Lim et al. [US 6,370,582 B1].

As per claim 9, Astala et al. fails to teach control configuration data specifying a Common Gateway Interface application (CGI) associated with the section and processing input data utilizing the control application, as claimed. Regarding this limitation, Lim et al. teaches executing a CGI application on input data as part of data processing (see col. 9, lines 22-39). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to include a set of programs able to perform “processing” and “storing” functions, as well as “creating a web page dynamically from request of a web page”, as taught by Lim et al.

As for claim 15, this corresponds to the *machine-readable medium* providing instructions for the execution of the method as disclosed in claim 9. This claim is rejected under the same rationale.

As per claim 29, it corresponds to the *computer system* for the implementation of the method as disclosed in claim 9. This claim is rejected under the same rationale.



*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Craig [US 6,654,785] teaches a system for providing a synchronized display of information slides on a plurality of computer workstations over a computer network.
- Sherrard et al. [US 6,608,634] teaches a system and method for demonstration of dynamic web sites with integrated database without connecting to a network.
- Christian et al. [US 6,163,822] teaches a technique for controlling and processing a section of an interactive presentation simultaneously with detecting stimulus event in manner that overrides process.
- Wall [US 20020091736] teaches a network in which dynamic web pages are dynamically created by the server or a delegated processing device.

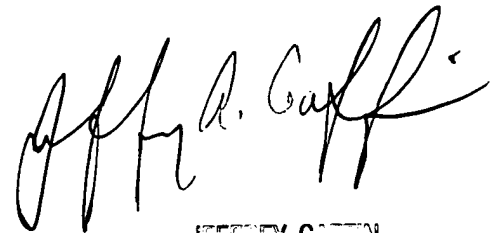
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L Casiano whose telephone number is 571-272-4142. The examiner can normally be reached on 9:00-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alc  
February 11, 2005



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